

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is **ORDERED** that the Motion for Summary Judgment (Docket No. 81) filed by Defendants, Robert Graham and Michael Shane, is hereby **GRANTED**.

/s/George Z. Singal  
Chief U.S. District Judge

Dated: August 28, 2007

**Plaintiff**

**VERTRUE INCORPORATED**

represented by **DONALD E. FRECHETTE**  
EDWARDS & ANGELL  
90 STATE HOUSE SQUARE  
9TH FLOOR  
HARTFORD, CT 06103  
860-525-5065  
Email: dfrechette@eapdlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOHN P. MCVEIGH**  
PRETI, FLAHERTY, BELIVEAU,  
PACHIOS & HALEY, LLP  
PO BOX 9546  
PORTLAND, ME 04112-9546  
791-3000  
Fax: 791-3111  
Email: jmcveigh@preti.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MARK B. DUBNOFF**  
EDWARDS ANGELL PALMER &  
DODGE LLP  
111 HUNTINGTON AVENUE  
BOSTON, MA 02199  
617-239-0100  
Email: mdubnoff@eapdlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**STEVEN M. COWLEY**  
EDWARDS, ANGELL, PALMER &  
DODGE LLP  
111 HUNTINGTON AVENUE

BOSTON, MA 02199  
(617)239-0100  
Email: scowley@eapdlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**WILLIAM E MURRAY**  
EDWARDS, ANGELL, PALMER &  
DODGE LLP  
90 STATE HOUSE SQUARE  
9TH FLOOR  
HARTFORD, CT 06103  
(860)525-5065  
Email: wmurray@eapdlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**DAVID T. HUANG**  
EDWARDS ANGELL PALMER &  
DODGE LLP  
111 HUNTINGTON AVENUE  
BOSTON, MA 02199  
(617) 239-0348  
Email: dhuang@eapdlaw.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ROBERT GRAHAM**

represented by **JEFFREY M. ROSIN**  
FOLEY & LARDNER, LLP  
111 HUNTINGTON AVENUE  
BOSTON, MA 02199  
(617) 342-4000  
Email: jrosin@foley.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOEL A KOZOL**  
FRIEDMAN & ATHERTON LLP  
53 STATE STREET  
BOSTON, MA 02109  
617-227-5540  
Email: jkozol@friedmanatherton.com

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**NANCY LYNN PERLMAN**  
FRIEDMAN & ATHERTON LLP  
53 STATE STREET  
BOSTON, MA 02109  
617-227-5540

Email:  
nperلمان@friedmanatherton.com

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ROBERT J. KEACH**  
BERNSTEIN, SHUR  
100 MIDDLE STREET  
P.O. BOX 9729  
PORTLAND, ME 04104-5029  
207-774-1200

Email: rkeach@bernsteinshur.com

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**RUSSELL BECK**  
FOLEY & LARDNER, LLP  
111 HUNTINGTON AVENUE  
BOSTON, MA 02199  
617-342-4000

Email: rbeck@foley.com

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**D. SAM ANDERSON**  
MARCUS, CLEGG & MISTRETTA,  
P.A.

100 MIDDLE STREET  
EAST TOWER, 4TH FLOOR  
PORTLAND, ME 04101-4102  
207/828-8000

Email: federalcourt@mcm-law.com

*ATTORNEY TO BE NOTICED*

**GEORGE J. MARCUS**  
MARCUS, CLEGG & MISTRETTA,  
P.A.  
100 MIDDLE STREET

EAST TOWER, 4TH FLOOR  
PORTLAND, ME 04101-4102  
(207) 828-8000  
Email: federalcourt@mcm-law.com  
*ATTORNEY TO BE NOTICED*

**JONATHAN SHAPIRO**  
MOSS SHAPIRO, P.A.  
400 CONGRESS STREET  
4TH FLOOR  
PORTLAND, ME 04101  
774-6001  
Fax: 775-6407  
Email: jshapiro@moss-shapiro.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MICHAEL SHANE**

represented by **JEFFREY M. ROSIN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JOEL A KOZOL**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JONATHAN SHAPIRO**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**NANCY LYNN PERLMAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ROBERT J. KEACH**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**RUSSELL BECK**  
(See above for address)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**D. SAM ANDERSON**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**GEORGE J. MARCUS**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**VITAL BASICS  
INCORPORATED**

represented by **JOEL A KOZOL**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**NANCY LYNN PERLMAN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JONATHAN SHAPIRO**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**ROBERT GRAHAM**  
*TERMINATED: 11/16/2006*

represented by **GEORGE J. MARCUS**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**MICHAEL SHANE**  
*TERMINATED: 11/16/2006*

represented by **GEORGE J. MARCUS**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**VERTRUE INCORPORATED**  
*TERMINATED: 11/16/2006*

represented by **JOHN P. MCVEIGH**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**ROBERT GRAHAM**  
*TERMINATED: 11/16/2006*

**Counter Claimant**

**MICHAEL SHANE**  
*TERMINATED: 11/16/2006*

V.

**Counter Defendant**

**VERTRUE INCORPORATED**  
*TERMINATED: 11/16/2006*

**ThirdParty Plaintiff**

**ROBERT GRAHAM**  
*TERMINATED: 11/13/2006*

**ThirdParty Plaintiff**

**MICHAEL SHANE**  
*TERMINATED: 11/13/2006*

V.

**ThirdParty Defendant**

**JAMES DUFFY**  
*TERMINATED: 11/13/2006*

**ThirdParty Defendant**

**GARY ARTHUR JOHNSON**  
*TERMINATED: 11/13/2006*

**ThirdParty Defendant**

**DAVID SCHACHNE**

*TERMINATED: 11/13/2006*